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PEARNE & GORDON LLP  
1801 EAST 9<sup>TH</sup> STREET  
SUITE 1200  
CLEVELAND, OH 44114-3108

In re Application of  
Susumu OTSUKI, et al.  
Application No. 09/857,155  
Filed: May 31, 2001  
For: **5-DIRECTIONAL KEY  
OPERATION DEVICE**

**DECISION ON PETITION  
TO WITHDRAW HOLDING OF  
ABANDONMENT**

This is a decision on the petition filed October 15, 2004 to withdraw holding of abandonment pursuant to 37 C.F.R. § 1.181(a). No fee is required.

The petition is **GRANTED**.

The application was abandoned for failure to respond in a timely and effective manner to the non-final Office action mailed January 5, 2004. A Notice of Abandonment was mailed on September 30, 2004.

Petitioner asserts that a proper response was timely filed on May 24, 2004. In support of the petition, Petitioner has submitted, a copy of Applicant's reply and a date-stamped post card receipt evidencing receipt of the response within the United States Patent & Trademark Office on May 26, 2004. In addition, a review of the Revenue Accounting and Management (RAM) records show that a fee of \$420 was applied toward two (2) months extension of time on May 26, 2004.

The original correspondence filed was not matched with the application file and cannot be located. However, M.P.E.P. § 503 states, "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the U.S.PTO of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded that the response was timely filed in the Patent and Trademark Office but not matched with the application file.

In view of the above stated reasons, the Notice of Abandonment is hereby vacated and the holding of abandonment is withdrawn.

The application file will be forwarded to the Technology Center's technical support staff for entering the copy of the response submitted with the petition. From there, the file will be forwarded to the examiner for further examination in due course.

Doris To  
Special Program Examiner  
Technology Center 2600  
Communications